

BEFORE THE ARKANSAS DEPARTMENT OF EDUCATION

**STATE BOARD OF EDUCATION
#4 CAPITOL MALL
LITTLE ROCK, AR 72201**

December 16, 2013

APPEARANCES:

Dr. Tom W. Kimbrell	Commissioner
Ms. Brenda Gullett	Chairman
Mr. Sam Ledbetter	Vice Chairman
Ms. Alice Mahony	Board Member
Ms. Toyce Newton	Board Member
Ms. Vicki Saviers	Board Member
Ms. Mireya Reith	Board Member
Dr. Jay Barth	Board Member
Ms. Diane Zook	Board Member
Ms. Ali Weimer	Teacher of the Year/ Non-Voting Member

LEGAL COUNSEL FOR THE BOARD:

MR. JEREMY LASITER, ADE General Counsel
MS. KENDRA CLAY, ADE Deputy General Counsel
MS. LORI FRENO, ADE Deputy General Counsel

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ORIGINAL

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A-22: HEARING - STEVEN TRULOCK

PLSB EXHIBIT ONE (1)
PLSB File

TRULOCK EXHIBIT ONE (1)
Trulock File

A-24: 2014 BOE CALENDAR

EXHIBIT ONE (1)
2014 Calendar

PUBLIC COMMENT - KAREN LAMOREAUX

EXHIBIT ONE (1)
Ms. Lamoreaux's Presentation

1 CHAIRMAN GULLETT: Any opposition? Okay.

2 MS. CLAY: Thanks.

3 CHAIRMAN GULLETT: You're welcome.

4 **INSTRUCTIONS TO THE BOARD RE: CHARTER REVIEWS**

5 CHAIRMAN GULLETT: I want to take a little
6 privilege here. We are getting ready to enter into
7 an area of the agenda that has been unchartered
8 before -- no pun intended -- and it's going to be
9 different. And I would like Mr. Lasiter to come
10 forward and go over how this is going to be handled.
11 And in addition to giving us the rules, I noticed
12 that a large number of people have signed up to speak
13 relative to one of the charters in particular. And
14 if I'm understanding things correctly, this would not
15 be the time for that -- but I will let you discuss
16 that when you talk about how our procedures will be
17 moving forward.

18 MR. LASITER: Yes, ma'am. Thank you. As you're
19 all aware because you promulgated the rules on this
20 subject, Act 509 of 2013 made various revisions to
21 the Arkansas Charter School Law. And two of the most
22 significant revisions were that the Act made the
23 Department of Education as the primary charter
24 authorizer and the law required the ADE to perform
25 those functions through a Charter Authorizing Panel

1 appointed by the Commissioner of Education. The
2 second most significant change was it allowed you as
3 the State Board of Education the opportunity to
4 review decisions of that ADE Charter Authorizing
5 Panel. The Charter Authorizing Panel made its
6 decision on the various charter issues that are
7 before you today, and now you have the opportunity,
8 as I mentioned, to exercise your right to review
9 those decisions. The law and the administrative
10 rules both state that the decision of whether to
11 review a decision of the ADE is at your discretion as
12 State Board. The law is also careful to say that the
13 fact that you as the State Board have a right to
14 review, that does not grant a charter applicant or a
15 public school district or affected school district an
16 opportunity for an appeal. I'll explain that in more
17 detail in just a second.

18 I know that there has been some discussion both
19 inside and outside of the ADE -- and some of you may
20 have the same question -- about what standard of
21 review should be used as you make your decision
22 today. Unfortunately, the law and the administrative
23 rules are silent on the standard for review. But
24 there are some factors that could help guide your
25 decision-making when it comes to exercising your

1 right to review and I just want to go over a few of
2 those with you. It is not an exhaustive list but
3 some of the things that you may want to consider.
4 First of all, I know that you've been provided with
5 all of the documentation that was made available to
6 the charter panel. So I think that your agenda was
7 quite lengthy and thousands of pages; I'm sure that
8 you had an opportunity to review every single one of
9 those pages. But in any event, you have all of that
10 information in front of you. Those materials include
11 the application, any objections from affected school
12 districts, they include desegregation analyses, ADE
13 internal comments, and the decision of the Charter
14 Authorizing Panel. And in some cases you will have a
15 request from a particular party, whether it be a
16 charter or an affected school district, that you
17 review the Panel's decision and exercise your right
18 of review.

19 Given that you have those materials in front of
20 you, and based upon your review of the record, you
21 could exercise your right of review, for instance, if
22 you believed that the Charter Authorizing Panel erred
23 in some way as to either the law that applies to
24 charter schools or the facts that they found in their
25 hearings. You could also exercise your right of

1 review if you believe that you needed additional
2 information from someone, if you needed additional
3 information from the Department of Education or from
4 a charter applicant or from an affected school
5 district.

6 The parties are here today in case you have
7 questions for them. As you mentioned, Madam Chair, a
8 number of them have signed up to speak. I wanted to
9 stress though that at this point the decision is
10 simply whether to review the Charter Panel's
11 decision. If you decide to do that, you will then
12 have a full-blown hearing at your next board meeting,
13 either the next scheduled board meeting in January or
14 should you decide to call a special board meeting
15 before your January meeting that's when it would be
16 heard. At the same time I think it's also important
17 though that you be given the opportunity to hear from
18 individuals who may want to bring information to you
19 today. And I will remind you too that, you know,
20 your State Board operating procedures, as we've done
21 in the past, allows for public comment on particular
22 items that are on your agenda for speakers to speak
23 up to three minutes. So that's what your procedures
24 say at this point.

25 CHAIRMAN GULLETT: Now let me get some

1 clarification on that because we have a long agenda
2 and a long list of public comment, and many of them
3 are about the same subject. It's my understanding
4 that if a charter has requested that we review them
5 then we hear, pro and con, three minutes each on why
6 we should use our power to review; not about the
7 merits of the charter, but about whether or not the
8 Board should review. Is that correct?

9 MR. LASITER: Yes, ma'am. There weren't any
10 procedures that were set in your rules about that.
11 The idea there was to try to give some kind of
12 structure to the discussion. Obviously, as with any
13 agenda item that you have, you can ask questions and
14 you can grant speakers longer time than just that if
15 you need more additional information.

16 CHAIRMAN GULLETT: Well, I'm just thinking that
17 it appears that most of these speakers are going to
18 speak on the merits of their particular charter and
19 that is really not in order today because that is not
20 what we're going to be looking at. We're going to be
21 deciding whether or not the Board should review those
22 charters, so --

23 MR. LASITER: Yes, ma'am. I think we can make
24 that clear that, you know, the decision of the Board
25 today is not the merits of the charter itself but

1 whether you should exercise your right to review
2 under the statute. I will note that, you know, you
3 have several people who have signed up. Some of them
4 may have agreed to speak together and to share that
5 time with you. But if you do have someone, a member
6 of the public, who wanted to speak on a particular
7 agenda item I just would remind you that your
8 operating procedures with regard to any agenda item
9 that you have, whether it's a charter item or a
10 curriculum item or if you have just have a public
11 comment period, up to three minutes if someone has
12 signed up to speak on a particular item that's on
13 your agenda.

14 CHAIRMAN GULLETT: Okay. Now -- okay, and
15 that's per person. We could not give three minutes
16 to everyone together who wants to speak on one
17 particular subject?

18 MR. LASITER: Ma'am, I think your procedures
19 talk about it being three minutes per person.

20 CHAIRMAN GULLETT: Okay. The other question I
21 have for you is -- I just forgot it. Okay. We have
22 the right to review but does that imply that we have
23 the right to overrule or change the decision that's
24 made by the authorizing board?

25 MR. LASITER: Well, ma'am, you certainly do if

1 you go to that full hearing and you ultimately decide
2 something that is different from what the Panel
3 decided. Then that would definitely have the affect
4 of overturning the decision of the Panel, so
5 ultimately you could take that step.

6 CHAIRMAN GULLETT: Okay. And if that would
7 happen, is the Board's decision the final --

8 MR. LASITER: Yes, ma'am.

9 CHAIRMAN GULLETT: -- decision about that
10 particular school?

11 MR. LASITER: Yes, ma'am. And on the other side
12 of that, if you decide not to review any decisions,
13 then the decision of the Charter Panel becomes final.

14 CHAIRMAN GULLETT: Okay. All right. Let's just
15 have a little bit of a simulation role play here just
16 so I'm clear on this. Let's say that Ms. Perry comes
17 forward and she gives us the report on -- I'm looking
18 at Item A-11, the open-enrollment public charter
19 Arkansas Virtual Academy, ARVA. And so the Board did
20 approve -- the authorizing board did approve that.
21 So if she just simply gives that report, if no one on
22 the Board wants to review that and there's not a
23 majority decision, then we just simply endorse or
24 approve that decision made by the Panel and move on
25 to the next agenda item?

1 MR. LASITER: Yes, ma'am. It would work similar
2 to many of the agenda items that you've already had.
3 Ms. Perry would come and introduce that to you; you
4 would ask if the Board has any questions, if there's
5 anyone here -- if there's anyone who has signed up to
6 speak on that particular item, and then you'd move
7 right into a motion either to review or not to review
8 the decision of the Panel.

9 CHAIRMAN GULLETT: So is it your recommendation
10 that we allow people to speak as these items come up?
11 Usually, our public comment period is at the end.
12 And so are you suggesting that we consider that as we
13 move along here?

14 MR. LASITER: Yes, ma'am. And the reason why is
15 there's a distinction in your procedures about public
16 comment for items that are already on your agenda and
17 public comment for items that are not.

18 CHAIRMAN GULLETT: I gotcha. Okay. All right.
19 Then I might need some clarification too. I see
20 clearly the charters that people want to speak in
21 reference to. But there's three agenda items on here
22 that say Data and two say Info, and so I'm assuming
23 that that is not about charters, that that is about
24 something else that they want to speak at the end of
25 the meeting. So if these individuals, Ray Girdler,

1 Lemonese Boway [ps], and Hunter Ray would let us know
2 what they're going to be speaking about we'd know
3 where to place you on the agenda.

4 MR. GIRDLER: I'm here to represent North Little
5 Rock School District in opposition to the Lighthouse
6 Charter.

7 CHAIRMAN GULLETT: Okay. So, and you are?

8 MR. GIRDLER: Ray Girdler.

9 CHAIRMAN GULLETT: Okay. So you're the
10 Lighthouse?

11 MR. GIRDLER: Yes.

12 CHAIRMAN GULLETT: Okay. All right. Great.
13 And then -- I'm sorry if I'm mispronouncing this --
14 Boway, B-o -- Capitol City Info.

15 MR. GIRDLER: That would also be the Lighthouse
16 application.

17 CHAIRMAN GULLETT: Okay. Lighthouse, as well.
18 Okay. And then someone representing themselves on
19 the Info. I'm sure that's probably about another
20 matter. I think we heard about that before the
21 meeting. Okay. Great. That helps me. Board, do
22 you have any questions of Mr. Lasiter? Because this
23 is really new.

24 MR. LASITER: And as with anything that's new,
25 we're going to be looking at ways to make it better

1 --

2 CHAIRMAN GULLETT: Right.

3 MR. LASITER: -- for the next time. So we'll be
4 looking to you for your advice.

5 CHAIRMAN GULLETT: Okay. Ms. Zook has a
6 question. Okay. You're recognized.

7 MS. ZOOK: It's not specifically for Mr.
8 Lasiter, but since I had not been on the Board when
9 charters were reviewed I attended all of the Panel's
10 hearings and I will commend that panel. I have no
11 idea how well y'all do it, but they were excellent.
12 I mean, they asked questions that probably us as a
13 board would not know to ask because of the -- the
14 depth of the curriculum, the depth of finances; we
15 had experts on everything. I cannot imagine that
16 anybody would have a problem with this Authorizing
17 Panel as far as the Legislature's decision to do
18 that, because they did an excellent thorough job.

19 MS. SAVIERS: I watched the streaming. I was
20 blown away. Really, you all did an amazing job.

21 CHAIRMAN GULLETT: On a personal privilege, I
22 could hug both of you for saying that. I think
23 that's so important to say that and to let us know
24 that we can put confidence in this group because my
25 biggest fear was that we were going to have an

1 appetite to, you know, go back and micro-manage this
2 process when, from what I'd heard from everyone was
3 how excellently they performed. So thank you so much
4 for saying that. Mr. Ledbetter, do you have a
5 question?

6 MR. LEDBETTER: Mr. Lasiter, you mentioned the
7 factors that we should -- or that we could consider,
8 erred in the application of the law or erred in the
9 facts, I guess, like a clearly erroneous fact. And
10 what was the second thing that you mentioned, the
11 factor? I didn't get that.

12 MR. LASITER: Any additional information from
13 anyone --

14 MR. LEDBETTER: Okay.

15 MR. LASITER: -- including the Department.

16 MR. LEDBETTER: Right.

17 MR. LASITER: Now you might have gone through
18 and certain questions have not been answered to your
19 satisfaction.

20 MR. LEDBETTER: Okay.

21 MR. LASITER: One of the things on the first
22 point as far as erring in fact, you might in your
23 packages have the letters that were sent to the
24 applicants, if they were denied, that list out those
25 reasons why. For instance -- I mean, this is purely

1 hypothetical -- if you saw something in the record
2 that indicated that some of those reasons just
3 weren't accurate --

4 MR. LEDBETTER: Sure.

5 MR. LASITER: -- that might be a reason to
6 review.

7 MR. LEDBETTER: Okay. Thank you.

8 CHAIRMAN GULLETT: Okay. Any other -- because I
9 want you to be very comfortable with this. Dr.
10 Barth.

11 DR. BARTH: Well, I want to follow-up on Mr.
12 Ledbetter. So if -- on that second point about
13 needing more information, if we can get that quickly
14 remedied and move on today, is that fine? Or if we
15 just feel like we need a little more information is
16 the only way we're going to be able to kind of get
17 that information is to move for a full-fledged
18 hearing?

19 MR. LASITER: You certainly have the opportunity
20 to ask whatever questions you'd like to ask. These
21 procedures are not in any way intended to limit your
22 ability to ask questions if you don't have
23 clarification.

24 DR. BARTH: Okay.

25 CHAIRMAN GULLETT: Okay. Any other questions of

1 Mr. Lasiter? I'm sure they'll be available to us
2 throughout the process. I want to thank you for
3 doing this because I think it helps us all to feel a
4 little better about moving forward.

5 MR. LASITER: No problem. I'll be right here.

6 **A-8: CHARTER AUTHORIZING PANEL ACTION ON REQUESTED OPEN-**
7 **ENROLLMENT PUBLIC CHARTER SCHOOL APPLICATION: CAPITOL CITY**
8 **LIGHTHOUSE CHARTER SCHOOL, NORTH LITTLE ROCK, ARKANSAS**

9 CHAIRMAN GULLETT: Okay. Thank you so much.

10 Okay. We are now to Action Item A-8. I recognize
11 Ms. Perry. It's the Panel action on Requested Open-
12 Enrollment Public Charter, Capitol City Lighthouse
13 Charter School, North Little Rock, Arkansas, which
14 was not approved by the authorizing committee.

15 MS. PERRY: Yes, ma'am. Thank you. On November
16 13th and 14th, 2013, the Charter Authorizing Panel
17 conducted hearings for open-enrollment charter
18 applicants wanting to open schools in 2014-2015.
19 Representatives of Capitol City Lighthouse Charter
20 School appeared before the Panel on November 13th and
21 requested that Lighthouse Academies of Central
22 Arkansas, Incorporated, the sponsoring entity, be
23 allowed to open a charter in North Little Rock to
24 serve students in grades K-12 with a maximum
25 enrollment of 750. Representatives of the North

1 Little Rock School District and the Little Rock
2 School District spoke in opposition to the charter.
3 By a five-to-one vote the Panel denied the
4 application for Capitol City Lighthouse Charter
5 School. No requests for the State Board of Education
6 to review the decision made by the Panel was
7 submitted. The State Board may exercise a right of
8 review of the determination made by the Charter
9 Authorizing Panel and conduct a hearing on the
10 Charter Authorizing Panel determination at a later
11 meeting.

12 CHAIRMAN GULLETT: Okay. Thank you, Ms. Perry.
13 All right. Board, do you have any questions or
14 comments about this? Okay. We have three people who
15 have signed up to speak about this and I certainly
16 want to recognize them. I think the first one would
17 be Mr. Girdler. Would you still like to speak? Mr.
18 Girdler, would you identify yourself for the record?

19 MR. GIRDLER: Yes. My name is Ray Girdler; I'm
20 the Coordinator of Testing and Data for the North
21 Little Rock School District. We're here today just
22 to --

23 CHAIRMAN GULLETT: Okay. I was asking if I need
24 to swear you in --

25 MR. GIRDLER: All right.

1 CHAIRMAN GULLETT: -- but I don't think I need
2 to. You have three minutes, sir.

3 MR. GIRDLER: Well, the North Little Rock School
4 District is here today just to know -- let you know
5 that we're still in opposition of the charter school
6 being built in our district based on the fact that
7 they need to show that there's a need and that they
8 need to show that they have the tools to meet that
9 need that we can't provide. We feel that we do
10 provide that for the students that they're trying to
11 serve in our district. We're here today to answer
12 any questions that you have. Thank you.

13 CHAIRMAN GULLETT: Okay. I think you can not
14 have to worry about that because the Board -- the
15 authorizing board turned them down; the Board is not
16 asking any questions, which means we will most likely
17 be accepting that decision. So if your other two
18 colleagues understand that, there probably is not a
19 reason to speak because we're in agreement with you.

20 MR. GIRDLER: Thank you.

21 CHAIRMAN GULLETT: Okay. I will entertain a
22 motion to adopt the decision of the Charter
23 Authorizing Panel. Did the other two -- they're
24 saying no. Okay. Thank you so much. They're happy
25 with the decision. Okay. I would entertain a motion

1 to adopt Item A-8, the decision of the Authorizing
2 Panel.

3 MS. MAHONY: So moved.

4 CHAIRMAN GULLETT: Okay. Ms. Mahony has made a
5 motion.

6 MS. REITH: Second.

7 CHAIRMAN GULLETT: Ms. Reith, second. Any other
8 discussion? All in favor?

9 (UNANIMOUS CHORUS OF AYES)

10 CHAIRMAN GULLETT: Okay. I think the motion is
11 passed.

12 **A-9: CHARTER AUTHORIZING PANEL ACTION ON OPEN-ENROLLMENT**

13 **PUBLIC CHARTER SCHOOL APPLICATION: YOUNG ADULT MAGIC JOHNSON**

14 **BRIDGESCAPE ACADEMY OF CRITTENDEN COUNTY, SUNSET, ARKANSAS**

15 CHAIRMAN GULLETT: Okay. Ms. Perry. Ms. Perry,
16 I think that since we have all this in our packet if
17 you just want to name the school and give the
18 decision of the Panel that would probably be
19 adequate.

20 MS. PERRY: I'll be glad to do that. A-9 is the
21 Young Adult Magic Johnson Bridgescape Academy of
22 Crittenden County, in Sunset, Arkansas. And the
23 decision of that Panel was a five-to-one vote; the
24 Panel denied the application.

25 CHAIRMAN GULLETT: Okay. Thank you. Are there

1 any questions or comments from the Board relative to
2 this decision?

3 MS. ZOOK: I don't disagree with the decision
4 but I do realize from having listened to them they're
5 wanting to work with children 14-21 who have dropped
6 out of school. So it's not like they're taking kids
7 from the schools where they are. And so I think they
8 were encouraged to answer the questions and come back
9 and maybe be looked at again because -- I think they
10 did a good job of establishing the need for this;
11 they just didn't have all the information that was
12 needed at that time.

13 CHAIRMAN GULLETT: Okay. Thank you. Any other
14 questions or comments? All right. I will entertain
15 a motion to accept the Panel's decision to deny this
16 charter.

17 MS. SAVIERS: So moved.

18 CHAIRMAN GULLETT: Motion by Ms. Saviers.

19 MS. MAHONY: Second.

20 CHAIRMAN GULLETT: Second by Ms. Mahony. Any
21 other discussion? All in favor indicate by saying
22 aye.

23 (UNANIMOUS CHORUS OF AYES)

24 CHAIRMAN GULLETT: Any opposition? Thank you.
25 That decision is affirmed.

1 **A-10: CHARTER AUTHORIZING PANEL ACTION ON OPEN-ENROLLMENT**
2 **PUBLIC CHARTER SCHOOL APPLICATION: YOUNG ADULT MAGIC JOHNSON**
3 **BRIDGESCAPE ACADEMY OF MISSISSIPPI COUNTY, OSCEOLA, ARKANSAS**

4 CHAIRMAN GULLETT: A-10.

5 MS. PERRY: A-10 was the application for the
6 Young Adult Magic Johnson Bridgescape Academy of
7 Mississippi County, in Osceola, Arkansas. And it was
8 a unanimous vote in which the Panel denied this
9 application.

10 CHAIRMAN GULLETT: Thank you, Ms. Perry. I
11 don't see anyone signed up to speak. Board, do you
12 have any questions or comments about this decision?

13 DR. BARTH: I move acceptance of the decision.

14 CHAIRMAN GULLETT: Okay. There's been a motion
15 by Dr. Barth.

16 MS. NEWTON: Second.

17 CHAIRMAN GULLETT: A second by Ms. Newton. Any
18 other discussion? All in favor indicate by saying
19 aye.

20 (UNANIMOUS CHORUS OF AYES)

21 CHAIRMAN GULLETT: Any opposition? Hearing
22 none, that decision is affirmed.

23 **A-11: CHARTER AUTHORIZING PANEL ACTION ON REQUESTED OPEN-**
24 **ENROLLMENT PUBLIC CHARTER SCHOOL AMENDMENTS: ARKANSAS VIRTUAL**
25 **ACADEMY (ARVA)**

1 CHAIRMAN GULLETT: Let's see. A-11. Ms. Perry.

2 MS. PERRY: A-11 begins to move into the
3 amendments. The first three applications that you
4 had were the applications that had not -- there was
5 no request for the State Board to conduct a hearing.
6 Now you're moving into the amendments that were heard
7 by the Charter Authorizing Panel. And there were no
8 requests for the Board to review the Panel's decision
9 of the amendments but I want to go through those. A-
10 11 was Arkansas Virtual Academy and they appeared --
11 they requested some amendments to the charter; they
12 requested waivers there that dealt with board
13 meetings.

14 CHAIRMAN GULLETT: Okay. Dr. Barth.

15 DR. BARTH: I'm not going to obstruct this
16 process but I do just want to raise a red flag about
17 this -- what's going on here with basically shutting
18 down government -- governance of these schools on an
19 ongoing basis. And this shift away from monthly
20 meetings to quarterly meetings, you know, in my view
21 I think it's a little hard for a board to engage in
22 proper fiscal oversight of an entity when it is
23 detached from the process. And I think even more
24 troubling is that any student or parent or teacher
25 who is not treated appropriately by the policies in

1 one of these schools, I mean, really just doesn't
2 have the opportunity that those folks do in other
3 districts where, you know, the boards are elected to
4 go and try to, you know, get -- to get remedy. And
5 so I think it does raise some real due-process issues
6 in terms of how these boards of charter schools,
7 which are really detached from the normal governance
8 process -- I think it's really problematic. And so
9 it's an issue, more or less, across I think the
10 variety of charters. This seems one of the more
11 extreme moves to really just move away entirely from
12 anything that feels like regular interaction or the
13 possibility for regular interaction with the patrons
14 of the school. So I would just raise that and I'll
15 let it go, but I wanted to say it.

16 CHAIRMAN GULLETT: Ms. Zook.

17 MS. ZOOK: I agree with Dr. Barth on that.
18 However, I do know that the parents and children who
19 are -- and personnel have opportunity and often the
20 leaders of the charters call meetings in between
21 time. So I don't think we're totally taking away
22 that opportunity but, yes, it's possible that going
23 to the quarterly is more to accommodate the board
24 members and not necessarily to regularly look at the
25 governance. So, but I do know that the personnel

1 matters they have called meetings frequently in some
2 of the charters. I don't know about all the
3 charters.

4 CHAIRMAN GULLETT: Well, I have a lot of
5 concerns about this charter and I just want to make a
6 comment. This is a very interesting animal in that
7 the virtual school was set up by the Legislature
8 which initially made the Department of Education have
9 oversight of this. And when the Department saw that
10 it was going to be a challenge or problematic this
11 then became a charter. But if you remember, they
12 came to the Board last year to ask us to up their
13 enrollment and we decided not to do that. So when
14 the Legislature met there was what I consider a
15 loophole in that this enrollment cap was able to be
16 changed in special language of the original bill and
17 did not have to go through the regular process of
18 what charters have to go through. And I think that's
19 problematic and I would like someone to look into the
20 fact of this is either a standard charter or it's not
21 and what could be done on some of these issues to
22 make this have to fly under the flag of all the
23 regular charters so that that particular issue can be
24 dealt with the way all the rest of them are. When
25 you see that cap of 3,000, I think that's pretty

1 staggering to see a size like that. So that's just
2 my personal concern and I don't know that anything
3 can be done about that or not but --

4 COMMISSIONER KIMBRELL: We've looked at it
5 statutorily and, of course, that was special language
6 so it's law.

7 CHAIRMAN GULLETT: Right.

8 COMMISSIONER KIMBRELL: So we don't have any
9 authority as to do anything with that cap. It is in
10 the law.

11 CHAIRMAN GULLETT: Well, I understand that. But
12 we might not can change the law but can that charter
13 not become under regular charter -- it's a charter
14 now; the law probably should've been changed and
15 wasn't, so the law would have to be changed?

16 COMMISSIONER KIMBRELL: Well, as far as the cap
17 is concerned. Yes, ma'am.

18 CHAIRMAN GULLETT: Well, I mean, I think we have
19 to live with this cap. But I think for the future do
20 you know anything that could be done?

21 MR. LEDBETTER: (Shaking head from side to
22 side.)

23 CHAIRMAN GULLETT: Maybe nothing could be done.

24 COMMISSIONER KIMBRELL: Just review of the
25 charter and its goals and its progress towards those

1 goals, et cetera. You've asked for some information
2 as far as the demographics are concerned in a report,
3 so you'll get that next month. But as far as the
4 charter is concerned they still have to meet the
5 requirements under their charter. But as far as cap
6 and enrollment and such it was done in special
7 language, so it's statutorily required. But they
8 still have to meet all the other requirements --

9 CHAIRMAN GULLETT: Well, it seems --

10 COMMISSIONER KIMBRELL: -- and that's under your
11 review.

12 CHAIRMAN GULLETT: It seems to me though that we
13 can review them and make sure that they're doing what
14 they're supposed to be doing, but if they want to put
15 that cap up to 10,000 then the State Board or the
16 Charter Authorizing group doesn't seem to be able to
17 do anything about it.

18 COMMISSIONER KIMBRELL: Not if they do it in
19 special language. You're right, Madam Chair. That's
20 right.

21 CHAIRMAN GULLETT: Interesting. Okay. What is
22 the pleasure of the Board on this decision on this
23 charter?

24 MS. MAHONY: Madam Chair, I recommend we review
25 the Arkansas Virtual Academy.

1 CHAIRMAN GULLETT: Okay. There's been a motion
2 to review. Is there a second?

3 (BRIEF MOMENT OF SILENCE)

4 CHAIRMAN GULLETT: Okay. The motion dies for
5 lack of a second. Now I'll entertain a motion to
6 adopt the decision of the Panel.

7 MS. ZOOK: So moved.

8 CHAIRMAN GULLETT: Motion on the floor to adopt
9 the decision. Is there a second?

10 MS. SAVIERS: Second.

11 CHAIRMAN GULLETT: Second by Ms. Saviers. Any
12 other discussion? Okay. All in favor would you
13 indicate by saying aye.

14 (MAJORITY CHORUS OF AYES)

15 CHAIRMAN GULLETT: Any opposition?

16 (COURT REPORTER'S NOTE: Ms. Mahony raised her
17 hand.)

18 DR. BARTH: I abstain.

19 CHAIRMAN GULLETT: Okay.

20 DR. BARTH: I abstain.

21 CHAIRMAN GULLETT: Okay. An abstention and an
22 objection, so essentially two objections. Okay.
23 Thank you very much.

24 **A-12: CHARTER AUTHORIZING PANEL ACTION ON REQUESTED OPEN-**
25 **ENROLLMENT PUBLIC CHARTER SCHOOL AMENDMENTS: KIPP DELTA PUBLIC**

1 **SCHOOLS**

2 CHAIRMAN GULLETT: Ms. Perry, Item A-12, Open-
3 Enrollment Public Charter, KIPP.

4 MS. PERRY: Yes, ma'am. KIPP Delta Public
5 Schools requested amendments. They wanted to expand
6 the grade levels served in Blytheville and to
7 increase the enrollment there to accommodate the high
8 school grade levels in their Blytheville campus. And
9 they also requested some waivers.

10 CHAIRMAN GULLETT: All right.

11 MS. PERRY: No request for a review was made.

12 CHAIRMAN GULLETT: Okay. Ms. Mahony, you're
13 recognized.

14 MS. MAHONY: Thank you, Ms. Gullett. The waiver
15 was approved on the AP classes that the teachers did
16 not have to go to the College Board training. And I
17 would like for us to review that. They are an AIMS
18 school; they are in the second cohort of the AIMS
19 agreement. And if you saw the program on them the
20 other night, they do have a hundred-percent college-
21 bound. I would think that they would want this
22 additional training. A lot of their AP teachers are
23 Teach for America. And if you look at the goals of
24 AIMS, to increase enrollment to provide professional
25 development and targeted graduate level teacher prep,

1 those all go along with what they're looking at in
2 their AP program. And 6-16-1203 -- 6-16-1204 talks
3 about the fact that AP classes should be taught to
4 our College Board sponsors, rigorous training, and
5 then the course must be taught by an instructor that
6 the qualifications required under 6-16-1203, which is
7 the College Board. I would think that they would
8 want that for their students and they would want that
9 for their teachers.

10 CHAIRMAN GULLETT: So let me get clear. Are you
11 saying that since they didn't waive that, that that
12 is what is required in order for that to be --

13 MS. MAHONY: The charter review committee waived
14 it.

15 CHAIRMAN GULLETT: The charter did waive it.

16 MS. MAHONY: Did waive it. I'm asking for us to
17 look at it and ask them to deny it.

18 CHAIRMAN GULLETT: Okay. Ms. Saviers.

19 MS. SAVIERS: Dr. Kimbrell, can you elaborate on
20 that?

21 COMMISSIONER KIMBRELL: Yes. As far as the
22 Charter Panel, it was an issue in which they're not
23 -- KIPP Delta said, "We're not going to not send our
24 teachers;" it's when it conflicts -- that training in
25 the summer conflicts with the KIPP training that they

1 have, that they require their teachers to go through.
2 I also have --

3 MR. LEDBETTER: May I make a point of order?

4 COMMISSIONER KIMBRELL: Yes, sir.

5 MR. LEDBETTER: Because I think -- and the
6 reason that I make it is not to interrupt this
7 discussion but because I think we get into this area
8 that's always so difficult to kind of keep separate,
9 in that we're debating whether or not to review the
10 merits of this. And now it seems like we're getting
11 into the merits of the decision and it's -- I've had
12 other experience in these kinds of situations and
13 it's almost humanly impossible to separate this in
14 your mind, because you can't really talk about the
15 issue without talking about the merits. But I think
16 that the way that this is structured, like it or not
17 -- and I haven't made up my mind on that -- but the
18 motion is to review it so we can get into the merits
19 and decide if we concur with the decision that was
20 made by the Charter Authorizing Panel but not to get
21 into the merits of it today, to make that decision,
22 if that makes sense. And so the reason, while it
23 seems harmless on this one -- but I think if we start
24 doing that then we go into it on every one of these
25 and we transition from a decision of whether or not

1 to review it and then hear the merits to getting into
2 the merits. And then if we try to back away from
3 that then we become inconsistent and therefore open
4 to a charge of being arbitrary in how we review
5 these. So that would be -- and I don't know if Mr.
6 Lasiter disagrees with that; I would certainly
7 withdraw my concern about it. But that's -- that
8 would be my concern. And, Jeremy, I don't know if
9 I've -- you know -- if I've tried to unnecessarily
10 complicate this, which I'm not trying to do, but
11 trying to make sure that we're consistent.

12 MR. LASITER: Yes, sir. I think you've hit on
13 kind of the thing that we've tried to put our
14 collective brains around too on these issues. And I
15 think you hit the main point when you said it is
16 oftentimes very difficult, if not impossible, to
17 separate whether to review it from the substance,
18 because you might have a case in which there's a
19 question that goes to the substance; it might be your
20 reason for wanting to review it. So I think what Ms.
21 Mahony brought up was that she believes the reason
22 that you might want to review it is that granting a
23 waiver on AP training like that would not be
24 advisable, and so I think that's --

25 MR. LEDBETTER: Yeah. I'm not saying that what

1 her grounds -- it's not improper to state your
2 grounds for wanting to review it. But then once we
3 start debating the merits don't we then step over the
4 line at some point? I mean --

5 MR. LASITER: Yes, sir. Yes, sir. And you just
6 want to bring it up, you know, what your problems are
7 and concerns are. I will say with Ms. Mahony, I
8 think Dr. Kimbrell said what happened with them, the
9 Panel, in terms of AP, in that they had their own
10 program for training on AP, it's my understanding. I
11 don't think they tried to get out of any training
12 requirements but just wanted to make sure they were
13 able to preserve that.

14 CHAIRMAN GULLETT: And I think I was confused.
15 I thought we only had to keep to the merits of why
16 the Board should review it when it's been a requested
17 review, but when the Board is looking at it we could
18 ask any questions that we wanted. That was my
19 understanding of your initial explanation.

20 MR. LASITER: Yes, ma'am. And one of the other
21 confusing parts of this is that there's a tendency to
22 think of this in terms of an appeal, meaning that
23 someone is appealing the decision. Now certainly,
24 any affected party has the ability under the law and
25 the rules to ask you to do that. But you have to

1 think of it separately than an appeal. It is not an
2 appeal; it is something that's in your authority,
3 solely in your authority to exercise your right of
4 review of the decision.

5 CHAIRMAN GULLETT: Dr. Barth.

6 DR. BARTH: Well, I was just going to ask Mr.
7 Ledbetter -- but, you know, I think Ms. Mahony's
8 objection -- I was struck by it, but then I was
9 pretty quickly convinced by --

10 MS. SAVIERS: Exactly.

11 DR. BARTH: -- Dr. Kimbrell's response, which
12 was really about information that we didn't have in
13 this packet. So it wasn't about the merits but it
14 kind of helped me get better on the process.

15 MS. MAHONY: But, Dr. Barth, to reinforce, there
16 are lots of TFA teachers across the Delta now, El
17 Dorado, Strong; we're all looking at that. All of
18 our TFA teachers, even though they get that training
19 they've also been to the College Board training. We
20 want that for our students; we want them to be
21 successful. And there's a dollar amount attached to
22 that, so I'm just wondering if they're not looking at
23 the \$1,000 to \$1,500 that it costs for the training
24 for them.

25 CHAIRMAN GULLETT: Okay. So there is a motion

1 on the floor to review this decision about KIPP. And
2 is there a second?

3 (BRIEF MOMENT OF SILENCE)

4 CHAIRMAN GULLETT: Okay. I'm going to say the
5 motion dies for lack of a second. Would there be a
6 motion to adopt the decision? Also, I think we need
7 to be clear, these are amendments to existing
8 charters; these are not new charters. We dealt with
9 the new charters like at the beginning, but these are
10 amendments to existing charters as well, so -- okay.
11 Is there a motion to accept the charter's decision?

12 MS. SAVIERS: I move to accept.

13 CHAIRMAN GULLETT: Okay. A motion by Ms.
14 Saviers.

15 MS. NEWTON: Second.

16 CHAIRMAN GULLETT: A second by Ms. Newton. Any
17 other discussion or comments? Okay. If you would
18 indicate by saying aye if in favor?

19 (MAJORITY CHORUS OF AYES)

20 CHAIRMAN GULLETT: Any opposition?

21 MS. MAHONY: Opposition.

22 CHAIRMAN GULLETT: Okay. Let the record reflect
23 Ms. Mahony.

24 **A-13: CHARTER AUTHORIZING PANEL ACTION ON REQUESTED OPEN-**
25 **ENROLLMENT PUBLIC CHARTER SCHOOL AMENDMENTS: NORTHWEST ARKANSAS**

1 **CLASSICAL ACADEMY**

2 CHAIRMAN GULLETT: All right. We're down to
3 Item A-13 -- Ms. Perry, you're recognized -- Panel
4 Action on Requested Open-Enrollment Public Charter,
5 Northwest Arkansas Classical Academy.

6 MS. PERRY: Yes, ma'am. This was a request for
7 waivers, again, from existing laws and rules. And
8 the Panel approved some of those waiver requests and
9 denied some of those waiver requests.

10 CHAIRMAN GULLETT: All right. So, Board, what
11 is your pleasure on A-13? Any questions or do I hear
12 a motion to approve the Panel's decision?

13 MS. ZOOK: So moved.

14 CHAIRMAN GULLETT: Ms. Zook has moved. Second
15 by --

16 MS. NEWTON: Second.

17 CHAIRMAN GULLETT: -- Ms. Newton. Any other
18 discussion or questions? All in favor indicate by
19 saying aye.

20 (UNANIMOUS CHORUS OF AYES)

21 CHAIRMAN GULLETT: Any opposition? All right.

22 **A-14: CHARTER AUTHORIZING PANEL ACTION ON REQUESTED OPEN-**
23 **ENROLLMENT PUBLIC CHARTER SCHOOL AMENDMENTS: PREMIER HIGH**
24 **SCHOOL OF LITTLE ROCK**

25 CHAIRMAN GULLETT: A-14. Once again, Ms. Perry;

1 we're going to wear you out.

2 MS. PERRY: That's all right. This is Premier
3 High School of Little Rock. Again, these were waiver
4 requests. The Panel allowed the charter to withdraw
5 some of the waiver requests and approved those that
6 were not withdrawn.

7 CHAIRMAN GULLETT: Okay. Board, any questions
8 about A-14, on Premier High School of Little Rock?
9 All right. I would entertain a motion to accept the
10 Panel's decision.

11 MS. SAVIERS: So moved.

12 CHAIRMAN GULLETT: Okay. Ms. Saviers.

13 MR. LEDBETTER: Second.

14 CHAIRMAN GULLETT: Second by Mr. Ledbetter. Any
15 other questions or discussion? All in favor say aye.

16 (UNANIMOUS CHORUS OF AYES)

17 CHAIRMAN GULLETT: Any opposition? Hearing none

18 --

19 **A-15: CHARTER AUTHORIZING PANEL ACTION ON REQUESTED OPEN-**
20 **ENROLLMENT PUBLIC CHARTER SCHOOL AMENDMENTS: QUEST MIDDLE**
21 **SCHOOL OF PINE BLUFF**

22 CHAIRMAN GULLETT: A-15, the Quest Middle School
23 of Pine Bluff.

24 MS. PERRY: They also requested waivers, the
25 same situation as the one just previous. The Panel

1 approved Quest to withdraw some of the waiver
2 requests and approved those that were not withdrawn.

3 CHAIRMAN GULLETT: Okay. Now let me get clear
4 on this too. We are now, as a board, going to
5 approve or disapprove the decision about the
6 amendment. Later on in our agenda we have a formal
7 request to consider reviewing Quest, and I believe
8 that's the time where I would need to allow the
9 people to speak where it's talking about public
10 comment. Is that correct?

11 MS. PERRY: That is the application. The
12 request is for a different Quest. This is the
13 existing Quest Middle School of Pine Bluff; the
14 application for a charter is for Quest in West Little
15 Rock.

16 CHAIRMAN GULLETT: This one, we're just dealing
17 with the amendments?

18 MS. PERRY: Yes, ma'am.

19 CHAIRMAN GULLETT: Okay.

20 MS. PERRY: These are just amendments.

21 CHAIRMAN GULLETT: Thank you. Okay. Any
22 questions of the Board? All right. I'd entertain a
23 motion to accept the Panel's decision.

24 MS. REITH: So moved.

25 CHAIRMAN GULLETT: Ms. Reith moved.

1 DR. BARTH: Second.

2 CHAIRMAN GULLETT: Dr. Barth seconded. Any
3 other discussion? All in favor indicate by saying
4 aye.

5 (UNANIMOUS CHORUS OF AYES)

6 CHAIRMAN GULLETT: Any opposition? Okay.

7 **A-16: CHARTER AUTHORIZING PANEL ACTION ON REQUESTED OPEN-**
8 **ENROLLMENT PUBLIC CHARTER SCHOOL AMENDMENT: ARKANSAS SCHOOL FOR**
9 **INTEGRATED ACADEMICS AND TECHNOLOGIES (SIATech)**

10 CHAIRMAN GULLETT: We'll move on, A-16 -- again,
11 Ms. Perry -- the Arkansas School for Integrated
12 Academics and Technologies.

13 MS. PERRY: And this was a relocation request
14 and SIATech appeared and requested to relocate the
15 current charter and it was approved by the Panel.

16 CHAIRMAN GULLETT: Okay. Any questions about
17 this decision? I'll entertain a motion to accept.

18 MS. REITH: So moved.

19 CHAIRMAN GULLETT: Motion by Ms. Reith.

20 MS. NEWTON: Second.

21 CHAIRMAN GULLETT: Ms. Newton seconded. Any
22 other discussion? All in favor indicate by saying
23 aye.

24 (UNANIMOUS CHORUS OF AYES)

25 CHAIRMAN GULLETT: Okay. Any opposition?

1 Hearing none --

2 **A-17: CHARTER AUTHORIZING PANEL ACTION ON REQUESTED DISTRICT**
3 **CONVERSION PUBLIC CHARTER SCHOOL AMENDMENTS: WASHINGTON ACADEMY**
4 **IN THE TEXARKANA SCHOOL DISTRICT**

5 CHAIRMAN GULLETT: Agenda Item A-17 -- Ms.

6 Perry, again -- Washington Academy in the Texarkana
7 School District.

8 MS. PERRY: Yes, ma'am. This was, again, an
9 existing district conversion charter that requested
10 some waivers from the Panel and they approved those
11 waivers.

12 CHAIRMAN GULLETT: Okay. Any questions?

13 DR. BARTH: Move approval.

14 CHAIRMAN GULLETT: Okay.

15 MS. SAVIERS: Second.

16 CHAIRMAN GULLETT: There's been a motion by Dr.
17 Barth, a second by Ms. Saviers. Any discussion? All
18 in favor indicate by saying aye.

19 (UNANIMOUS CHORUS OF AYES)

20 CHAIRMAN GULLETT: Any opposition? Okay.

21 **A-18: LITTLE ROCK SCHOOL DISTRICT REQUEST FOR REVIEW: EXALT**
22 **ACADEMY OF SOUTHWEST LITTLE ROCK, LITTLE ROCK, ARKANSAS**

23 CHAIRMAN GULLETT: Now we're down to Item A-18,
24 which is the Little Rock School District has
25 requested a review by the Board for the Exalt Academy

1 of Southwest Little Rock. And so it's my
2 understanding that at this time we will hear three
3 minutes on a side as to why the Board should use
4 their power to review this decision, not about that
5 particular charter. So I'm not certain who is
6 supposed to speak on these issues but -- if you would
7 identify yourself for the Board.

8 MS. SMITH: Yes. My name is Ellen Smith. I'm a
9 lawyer representing the Little Rock School District.
10 And we did submit a request, a written request that
11 the Board review -- excuse me -- the Panel's
12 decision. The reason why we think a review by the
13 full board is warranted is simply that we have
14 concerns about the economic viability of the school.
15 We don't believe it's in anyone's interest and it
16 actually would do a disservice for a school to open,
17 not be able to sustain itself, and then to close. We
18 think that creates more problems. The viability of
19 the school is based on a full enrollment from day-one
20 and we think that -- we're concerned and we would
21 like the Board to request additional information to
22 make sure that they actually are going to be able to
23 make that goal. Again, we don't want these students
24 to be put in a school and then have to be relocated
25 because the school is financially not able to sustain

1 itself. So our request is really for the Board to
2 look at and we hope request additional information
3 regarding how they're going to be able to guarantee
4 that enrollment. Because without the enrollment the
5 budget doesn't add up and it won't be able to
6 economically sustain itself. That's our primary
7 concern and why we're requesting the review. The
8 secondary concern is that the charter application did
9 not set forth a real clear plan to grow the school.
10 Initially, it was going to be a K-2 but they want to
11 grow it and do a K-8. We don't think that given its
12 very narrow margins economically and how it's going
13 to sustain itself that they're going to be able to do
14 that. We're not -- we don't -- we haven't been able
15 to see how they're going to do that. So we're asking
16 the Board to review the charter application so that
17 everyone has more comfort and more confidence that
18 the school will be successful.

19 CHAIRMAN GULLETT: Okay. So let me just sum up.
20 You feel that the decision of the committee was
21 lacking complete information about the financial
22 viability of the school, and also you do not think
23 the plan included a clear growth plan that the Board
24 could look at for sustaining the school?

25 MS. SMITH: Correct.

1 CHAIRMAN GULLETT: Okay. All right. Thank you.
2 We'll hear both sides and then questions.

3 DR. BARTH: Okay.

4 CHAIRMAN GULLETT: Okay. Now we will hear
5 someone who feels that we should not review this
6 decision. Mr. Lindquist, you're recognized. You
7 have three minutes to speak on why we should not do
8 that.

9 MR. LINDQUIST: Thank you very much. I'm Ben
10 Lindquist; I'm the CEO of Exalt Education. Exalt has
11 been managing Little Rock Preparatory Academy,
12 another school here in Little Rock, for the last
13 three-and-a-half years. This would be the first
14 school that we would be opening to serve the
15 Southwest Little Rock area. We're very excited about
16 that opportunity. When we appeared before the
17 Charter Authorizing Panel on November 13th we felt
18 that the Panel did an exceptionally diligent and
19 rigorous job reviewing our application and reviewing
20 those of the other applicants. We submitted a budget
21 in advance; we provided documentation to indicate
22 that we have a \$250,000 start-up grant to support the
23 development of the school. The budget was actually
24 per the guidelines provided by the Department, a very
25 tight budget for the school. It did not include

1 federal Title I funds, which we would fully expect
2 that the school would be eligible to receive, for
3 various reasons. We think that it was actually a
4 very viable budget and very consistent with the
5 experience that our team has had managing the Little
6 Rock Preparatory Academy, which has successfully
7 grown out over the past three-and-a-half years,
8 basically very close to the enrollment projections
9 set forth in its charter cap and charter with the
10 State Board of Education. So we feel that this
11 application is very financially viable and sets forth
12 a very clear enrollment plan. Thank you very much.

13 CHAIRMAN GULLETT: Okay. So if I could
14 summarize, you feel like the committee did their due-
15 diligence in looking at everything that had to do
16 with the financial concerns about this charter?

17 MR. LINDQUIST: It wasn't an easy process. They
18 did a wonderful job.

19 CHAIRMAN GULLETT: Okay.

20 MR. LINDQUIST: Thank you.

21 CHAIRMAN GULLETT: Did you have a question?

22 DR. BARTH: It was actually for Ms. Perry. And
23 I'm just having trouble determining, what's the
24 length of the charter on this one?

25 MS. PERRY: They're five years.

1 DR. BARTH: It's a five-year?

2 MS. PERRY: Yes, sir.

3 CHAIRMAN GULLETT: Okay. So, Board, you've
4 heard the pro and con on whether or not we should use
5 our priority or our authority, I guess I'd say, to
6 review this charter. So I would entertain a motion
7 at this time as to what the decision of the Board
8 should be about that.

9 MS. MAHONY: Ms. Gullett?

10 CHAIRMAN GULLETT: Yes.

11 MS. MAHONY: May I ask -- or if Ms. Smith knows
12 -- where the school will be located? I know that's
13 one of the things that they're talking about building
14 a new middle school. So can you tell me where this
15 is?

16 MS. SMITH: I'm not sure of the exact address;
17 it's just in Southwest Little Rock. It's very close
18 in proximity to the Cloverdale Middle School. It is
19 not near the proposed site or the site for the
20 proposed middle school in West Little Rock. Those
21 would not be in the same general area.

22 MS. MAHONY: Okay. Thank you.

23 CHAIRMAN GULLETT: So, Board, what is your
24 decision, that we should or should not review this
25 charter based on what you've heard?

1 MS. ZOOK: I think since the Little Rock School
2 Board decided within the agreement, the desegregation
3 agreement, to not continue the federal case to
4 continue to oppose charter schools that I would
5 recommend that this charter be approved.

6 CHAIRMAN GULLETT: So you're actually moving
7 that the Board not review this -- not --

8 MS. ZOOK: To accept the Authorizing Panel's
9 decision.

10 CHAIRMAN GULLETT: Okay. Thank you.

11 MS. NEWTON: Second.

12 CHAIRMAN GULLETT: Motion and second. Any other
13 discussion or questions? Dr. Barth.

14 DR. BARTH: Well, I just want to -- I am going
15 to vote in Ms. Zook's direction, but I do want to
16 disconnect those issues because those -- I mean, our
17 appropriate oversight in terms of whether an
18 individual charter would be good in the Little Rock
19 district I think is very different than the decision
20 to remove the court action.

21 CHAIRMAN GULLETT: Okay. So all in favor of not
22 exercising the Board's authority to review this
23 respond by saying aye.

24 (MAJORITY CHORUS OF AYES)

25 CHAIRMAN GULLETT: Any opposition?

1 (COURT REPORTER'S NOTE: Ms. Mahony raised her
2 hand.)

3 CHAIRMAN GULLETT: No. Okay.

4 MR. LEDBETTER: Ms. Mahony.

5 CHAIRMAN GULLETT: Oh, yes, there's one
6 abstention or one no.

7 All right. Now let me just get clear on this.
8 I know y'all are tired of me asking these questions.
9 Of all the people that have signed up to speak on
10 Quest none of them refer to this particular action
11 that we just took. Is that correct? Okay. Good.
12 We'll move on. Thank you so much.

13 **A-19: LITTLE ROCK SCHOOL DISTRICT REQUEST FOR REVIEW: QUEST**
14 **MIDDLE SCHOOL OF WEST LITTLE ROCK, LITTLE ROCK, ARKANSAS**

15 CHAIRMAN GULLETT: All right. Now we are
16 looking at Item A-19 and that is the Little Rock
17 School District's request for review of the Quest
18 Middle School of West Little Rock, in Little Rock,
19 Arkansas. Yes, ma'am, you're recognized.

20 MS. SMITH: Yes. The Little Rock District
21 School is also requesting a full board review of the
22 Quest Middle School of West Little Rock and that is a
23 proposed charter that will be in close proximity to
24 the site for the proposed middle school that the
25 district is hoping to build. We have three -- our

1 concerns could be set out in three categories. The
2 first is, again, a budget model issue. In the
3 application -- original application submitted the
4 budget model was based on 78% Free and Reduced Lunch.
5 At the hearing that was amended and they amended it
6 to a 50% Free and Reduced Lunch. I would suggest
7 that that 50% Free and Reduced Lunch is also grossly
8 exaggerated. We don't think that that number is
9 accurate. If you look at two of the elementary
10 schools in that area that they'll pull students from,
11 one is the Pulaski County Special School District
12 Baker Elementary and it has a 19% Free and Reduced
13 Lunch; Roberts has a 25% Free and Reduced Lunch.
14 It's also an elementary school in West Little Rock.
15 Both of -- I can only really speak for Roberts.
16 Roberts Elementary School provides transportation and
17 also serves students in subsidized housing, which
18 makes up the majority of those economic --

19 CHAIRMAN GULLETT: Excuse me. This is germane
20 to why the State Board should review this?

21 MS. SMITH: Correct. Because we think that the
22 economic model that they put forth is not accurate.
23 It was based on 50% Free and Reduced Lunch. I'm not
24 sure where that number came from. I mean, at the
25 hearing they said, "Oh, not 78; 50." We don't know

1 what the basis for that 50% is. We think that
2 number, based on our experience with the other
3 elementary schools -- with our elementary school, is
4 going to be significantly lower than what they are
5 budgeting.

6 The second concern that we have also has to do
7 with the plan -- they're going to start as a middle
8 school and they're going to expand each year as the
9 oldest students graduate to the next class. They'll
10 start a 6-8 and will go through high school. Again,
11 there's not a clear plan for how that's going to
12 happen. I think it was conceded that the first year,
13 the 9th grade, they weren't going to be able to offer
14 all the required curriculum. And I'm paraphrasing,
15 but I believe Mr. Newton said, "Well, we promise
16 we'll have it by the end. We promise by the time
17 they're seniors we'll have that curriculum." We ask
18 the Board to review that, that component of it, to
19 make sure that in fact there is a clear path to
20 providing the required curriculum.

21 And our third concern goes to really the heart
22 of our request which is that at the Panel hearing Mr.
23 Newton said, "The innovation of this school is that
24 it will exist." It is simply to provide students in
25 West Little Rock an opportunity out of their zone

1 schools. Given the affluence of West Little Rock,
2 the effect of that is going to be taking affluent
3 students out of the district and putting -- allowing
4 them to go to school with other affluent students.
5 To me --

6 CHAIRMAN GULLETT: I apologize but your time is
7 up. But let me just recap for you: you're concerned
8 again that the Panel was not absolutely clear on the
9 economic viability; also, your second request was
10 about the makeup of the Free and Reduced Lunch or --

11 MS. SMITH: Well, my first had to do with the
12 fact that their economic model was based on a number,
13 a Free and Reduced Lunch percentage, that we don't
14 believe is accurate at all. We think it's
15 inaccurate. My second point that I made had to do
16 with their plans for growing the school to include
17 the necessary curriculum for high school students,
18 and there wasn't any -- at the hearing the comment
19 was, "We'll get there when we need to get there."

20 CHAIRMAN GULLETT: You're concerned about the
21 accountability of --

22 MS. SMITH: Correct.

23 CHAIRMAN GULLETT: Okay. Thank you very much.
24 Who is here to speak as to why the Board should not
25 review? Yes, sir. Would you please identify

1 yourself for the record?

2 DR. STRICKLAND: Yes, ma'am. My name is Dr.
3 Edwin Strickland and I serve as the Arkansas
4 statewide director for Responsive Education Solutions
5 here in the state of Arkansas.

6 CHAIRMAN GULLETT: Now I apologize, I am very
7 hard of hearing --

8 DR. STRICKLAND: I'm sorry.

9 CHAIRMAN GULLETT: I did not -- no, it's me, not
10 you. Would you repeat that?

11 DR. STRICKLAND: Yes. Dr. Edwin Strickland and
12 I'm the Arkansas statewide director for Responsive
13 Education.

14 CHAIRMAN GULLETT: Okay. Okay. Thank you.

15 DR. STRICKLAND: Yes, ma'am. So I'm here --

16 CHAIRMAN GULLETT: Yes. Go ahead.

17 DR. STRICKLAND: Yes. And so I want to take --
18 I'll take a minute-and-a-half. And the reason that I
19 say that is because it's been said several times
20 before but the Charter Authorizing Panel actually
21 engaged us in all of the questions, the three
22 questions that the Little Rock School District has
23 raised. We answered those questions. They vetted
24 our application very thoroughly. We had our Chief
25 Financial Officer here. They asked very detailed

1 questions about our budget. They asked about the
2 Free and Reduced Lunch rate; they asked about
3 transportation. All of those issues were answered
4 during that review process and so we believe that
5 it's actually redundant for them to raise the same
6 issues again. And, therefore, we think that the
7 State Board should honor the application since it was
8 vetted in that process in a very detailed basis.

9 CHAIRMAN GULLETT: Thank you so much. Okay.
10 Board, you've heard both sides about this. What is
11 your --

12 MR. LASITER: There may be other people who have
13 signed up to speak on this particular item before you
14 vote.

15 CHAIRMAN GULLETT: Oh, okay. All right. I'm
16 sorry. So this is the Quest we've been looking for.
17 Okay. The quest is over, yea. Okay. Mr. Jones, I
18 recognize you.

19 MR. JONES: Thanks.

20 CHAIRMAN GULLETT: Are you pro or con?

21 MR. JONES: Con, Senator.

22 CHAIRMAN GULLETT: Okay.

23 MR. JONES: And I'll be brief. And let me
24 preface my remarks by saying I think on the two
25 issues I want to comment on that --

1 MR. LEDBETTER: Before you get started, you
2 might just tell us who you're here speaking on behalf
3 of.

4 MR. JONES: I'm sorry. I'm Sam Jones, on behalf
5 of the Pulaski County Special School District, which
6 actually joined in this opposition on November 20 of
7 this year before the Panel met.

8 MS. ZOOK: Point of order. We don't have a
9 letter from Pulaski County objecting.

10 MR. JONES: And I'm content to speak as someone
11 who has signed up to speak.

12 CHAIRMAN GULLETT: He signed up. And, you know,
13 I've got a point of order here myself. We had a pro
14 and a con, and now you're another con, so I'm
15 thinking do we need to be -- do we need to balance
16 this with making sure that we don't stack one side
17 against the other? Because usually that's how that
18 goes. But I don't know what these other requests
19 are, to speak pro or against.

20 MR. JONES: And, apparently, I misspoke. I am
21 for the review. I think that's the term there.

22 CHAIRMAN GULLETT: You are for the review?

23 MR. JONES: Yes.

24 CHAIRMAN GULLETT: Oh, okay. All right. Then
25 that would be appropriate. I did not catch that.

1 But how would that go? Do we need to sort of balance
2 with people pro and con?

3 MR. LASITER: When he says he's for the review I
4 think that means he's opposing the charter.

5 CHAIRMAN GULLETT: I get that.

6 MR. LASITER: So you first of all want to make
7 sure that the people who have signed up get their
8 three minutes. When it comes back, you know, to
9 hitting on both sides, I think the gentleman who
10 spoke for Quest, they have some time left if he
11 wishes to address you on some of the points that Mr.
12 Jones talked to you about.

13 CHAIRMAN GULLETT: Great. I apologize, Mr.
14 Jones. It's not you, it's me.

15 MR. JONES: Okay. Thank you, Senator. And
16 actually at the end I'm going to invite you to pose
17 these questions too. I think what we have here is a
18 situation where it's against both the preponderance
19 of the evidence that was presented and clearly
20 contrary to the evidence presented on the issue of
21 whether or not this applicant could actually attain
22 any significant services for enrollment for Free and
23 Reduced Lunch kids. Ms. Smith already went through
24 the demographics to some extent. We know where this
25 school would be. This board, unlike the Panel, has

1 considerable experience with applicants coming
2 forward and pledging to have a significant enrollment
3 of Free and Reduced Lunch kids and a significant
4 enrollment of minority kids, and then a year later or
5 two years later you look around and they say, "Well,
6 you know, they didn't show up." One reason they
7 don't show up is because this applicant, like the
8 others, is not going to provide any kind of
9 transportation. They've got a \$99,000 budget that
10 was presented, which would last about two weeks if
11 they transported any significant number of kids. So
12 to try to fit this into what I understand this body
13 is trying to do, I think on this issue, on the Free
14 and Reduced Lunch children and the racial enrollment,
15 we can reasonably anticipate that it is appropriate
16 for this body to recommit those questions to
17 whomever, your staff, to the applicant, or whomever,
18 to get some assurance. Because I think you cannot
19 reconcile that with the demographics of the area and
20 the failure to provide transportation that this
21 applicant will actually be even close to realizing
22 that which it has represented it desires to do. And
23 I would invite you, 'cause I don't -- I'm not jealous
24 of their time -- if they can demonstrate that here
25 today, more power to them.

1 CHAIRMAN GULLETT: Great. Okay. We've heard
2 two statements on why we should review this
3 application. Is there anyone here who wants to speak
4 as to why we should not review this application? All
5 right. Is there anyone else here who has signed up
6 to speak that would encourage us to review this
7 application? All right.

8 MS. ZOOK: May I ask?

9 CHAIRMAN GULLETT: Yes, ma'am.

10 MS. ZOOK: I'm going to ask, as a new person and
11 having not been -- reference has been made two or
12 three times today -- for example, KIPP. Now I know
13 that KIPP doesn't have a racial balance. I mean, you
14 know, they have a racial balance but it's like 98%
15 African American and 2% Caucasian, and I know they
16 have almost 90% Free and Reduced priced lunch. So
17 are those criteria that -- aren't we as a board
18 supposed to be looking at education for all kids, not
19 based on their parents' color or their parents'
20 ability to pay for things?

21 (SPATTERING OF AUDIENCE APPLAUSE)

22 CHAIRMAN GULLETT: Thank you. I don't think
23 we've had another board member to get that before. I
24 think the questions we're asking here -- KIPP was set
25 up -- I know they're an open-enrollment school. But

1 they were set up to reach out and to attract and to
2 work with the type of students that you just
3 recommended, so they are in fact reaching their
4 charter. I think the comments here that were made --
5 these new charters are going to be existing in a
6 demographic that is already set and they are
7 allegedly open-enrollment. And they many times say
8 that they want to reach out and close the achievement
9 gap and do this and do that, yet their waivers --
10 they do not provide transportation; they do not
11 provide lunch and other things that are absolutely
12 essential if they're going to reach out to students
13 that typically fall into the category of our
14 achievement gap. So it's been the responsibility of
15 the Board to keep these charters honest as to what
16 their demographic reflects. If they are in the
17 middle of a community or whatever, and if it -- if
18 they're in the middle of a community that has maybe
19 60% Free and Reduced Lunch and maybe one of their
20 demographics is 75% African American and 20%
21 Hispanic, and their enrollment is 99% Caucasian and
22 no Free and Reduced, it makes you wonder, you know,
23 how fortunate those people could be to get there
24 first to sign up for the lottery. So that is the
25 thing that we look at and try to look at how it sits

1 in the middle of a demographic where it's going to be
2 reaching out. So that's where these questions come
3 from. Board, you're welcome to add anything --

4 MS. SAVIERS: I watched the streaming of this
5 and, again, I will say I was just blown away by what
6 a great job the Panel did. Is it not appropriate at
7 this point for Dr. Kimbrell to just elaborate a
8 little bit on why they made the decision that they
9 did? I mean --

10 CHAIRMAN GULLETT: I mean, is it? I'm seeing
11 Mr. Lasiter move his head but I can't tell which
12 direction.

13 MR. LASITER: If there's a specific question
14 about, you know, needing more information about the
15 Panel's decision, I think that's an acceptable
16 question. I mean, that may guide your decision in
17 terms of whether to exercise your right to review.

18 CHAIRMAN GULLETT: I think we really just need
19 to make our decision about, after we hear the
20 compelling sides, what our decision would be about
21 reviewing. Dr. Barth.

22 DR. BARTH: Well, I will ask Dr. Kimbrell a
23 specific question on the estimated percentage of Free
24 and Reduced Lunch students. Now in terms of the
25 state funding, the NSLA money, do we add 50% -- do we

1 hit a point where that -- what are the magic numbers
2 in terms of --

3 COMMISSIONER KIMBRELL: Yes, sir.

4 DR. BARTH: -- increasing NSLA funds?

5 COMMISSIONER KIMBRELL: It's 70 and 80 -- 90,
6 I'm sorry.

7 DR. BARTH: Okay. So these are --

8 COMMISSIONER KIMBRELL: But anything below 70 is
9 going to get the same dollar per student.

10 DR. BARTH: Okay. But it does have budget
11 implications no matter. Now the initial suggestion
12 that they're going to be above 70 would have --

13 COMMISSIONER KIMBRELL: Yes, sir.

14 DR. BARTH: -- more dramatically enhance NSLA
15 monies per student?

16 COMMISSIONER KIMBRELL: Yes.

17 DR. BARTH: Okay.

18 CHAIRMAN GULLETT: Okay. Ms. Saviers.

19 MS. SAVIERS: Well, again, can we -- can Dr.
20 Kimbrell tell us kind of what their reasoning was
21 when they approved this charter?

22 CHAIRMAN GULLETT: I'm thinking that that would
23 not be in order based on Mr. Lasiter. I think after
24 hearing both sides what we need to now do is decide
25 as a board whether or not we want to or do not want

1 to review this charter.

2 MS. SAVIERS: Okay. Well, I would just say -- I
3 mean, just to review, it was a unanimous vote by the
4 Panel.

5 CHAIRMAN GULLETT: To approve. So are you
6 making the motion that we do not review this
7 decision?

8 MS. SAVIERS: That's what I'm saying.

9 CHAIRMAN GULLETT: Okay. Ms. Saviers has moved
10 that we approve the decision of the Panel on this
11 Quest school. Do I hear a second?

12 MS. ZOOK: Second.

13 CHAIRMAN GULLETT: Second by Ms. Zook. Is there
14 any other discussion or comment?

15 MR. LEDBETTER: I would -- go ahead.

16 CHAIRMAN GULLETT: Okay. Dr. Barth and then Mr.
17 Ledbetter.

18 DR. BARTH: Go ahead.

19 MR. LEDBETTER: Well, I would just say that, you
20 know, the Board obviously -- with all due respect to
21 the Authorizing Panel and the process that went on,
22 simply because we vote to review one of these doesn't
23 mean that we prejudge the merits of the application.
24 And this is an important decision. And, you know,
25 what has been said -- and the concerns I think that I

1 have and the reason I would like to hear more about
2 the merits is because we have had the experience, the
3 exact experience, and we're still dealing with one of
4 those charter schools. And, Ms. Zook, it's not that
5 there's any requirement in the law to serve a certain
6 demographic. But if a charter comes in here and
7 tells us it's going to do something, whether it be a
8 classic academy or a focus on, you know, language or
9 whatever, and it goes in the opposite direction, it's
10 done something different than what it assured us it
11 was going to do. And that's part of the agreement
12 with the State. That's why they have those charters
13 that say, "This is going to be our emphasis." And so
14 if the school wants to come in here and say that it
15 is going to provide an alternative to the current
16 attendance zone in the Little Rock School District
17 because of frustration with what choices are
18 available, and that gets it a charter, that's great,
19 if that's what the consensus wants to do and it's
20 otherwise fine. But if you come in and you structure
21 your charter around a certain assurance and then that
22 is not what in fact is going to be done that has
23 given some of us trouble. And I assure you that it
24 could be -- under certain circumstances it could
25 trouble you as well. It might not be over this

1 particular issue, but I think there could be
2 circumstances where that would be an issue. Again,
3 I'm not ready to judge this thing on its merits
4 because we haven't heard the merits, other than I
5 recognize that it's a significant decision that we're
6 -- you know -- that we're dealing with with this
7 charter. So that would be my concern about us not
8 exercising the authority the Legislature gave us to
9 review it.

10 MS. ZOOK: Question. When it's open-enrollment
11 and you predict 50/50, and then you get maybe 20/80
12 or 80/20, how can we hold them to a standard on the
13 front-end about --

14 MR. LEDBETTER: They're the ones that put that
15 there.

16 MS. ZOOK: Yeah.

17 MR. LEDBETTER: I didn't -- I never put -- I
18 don't write these. But if they come in and tell us,
19 "We're going to be 70% Free and Reduced Lunch," and
20 they're at -- that raises issues and I would like to
21 understand the basis for that. You see what I'm
22 saying? I'm not telling what to put in their
23 charter. They've put that out there and so they're
24 the ones that have set this standard. And the
25 question is: how do you make them meet that standard?

1 Because we've had others that have come in and said
2 the same thing, "Here's what we're going to do," but
3 they don't do that; they end up just the opposite of
4 what they tell us they're going to be. And I think
5 they -- that happened because there was a lack of
6 really drilling down into, "Why do you think this is
7 going to be the model of your school?" And if it's
8 going to be the model of the school, great; you know,
9 I'm all for it. Just give me an explanation as to
10 why that's what it's going to be. I'm not saying
11 that that's required. They don't have to put -- they
12 can put in there -- they could have put in there, as
13 Ms. Smith said, to reflect the demographic of Roberts
14 and the other schools, which made perfect sense to me
15 because that's where they're going to draw from, I
16 think. I really think that without transportation,
17 without some type of program to really change the --
18 you know -- what would be the normal demographic that
19 you would expect. If that's what they're going to do
20 -- I mean, if they'll just come in and say, "That's
21 what we're going to do and we're going to give these
22 folks what they're really looking for," which I
23 understand -- look, I get it. I mean, I'm not
24 completely oblivious to what's going on in my school
25 district. I understand it. But it just -- you know

1 -- we just want to make sure it works because we've
2 seen other examples where it didn't.

3 CHAIRMAN GULLETT: Well, that was my reason for
4 suggesting that we look more closely at the process
5 for students going to that school. You know, the
6 open-enrollment, it's a lottery, it should be first-
7 come first-serve. And so the manner in which the
8 lottery is advertised and the matter [sic] in which
9 -- manner in which the lottery is held makes a
10 tremendous amount of difference in who attends that
11 school. And I think we need to hold them accountable
12 for that, so -- Dr. Barth.

13 DR. BARTH: Well, and the demography matters
14 here in terms of the budget because the estimated
15 budget is -- has a margin of about \$22,000; the
16 budget anticipates about \$54,000 coming from NSLA
17 dollars. That could have an impact in terms of
18 whether they're able to meet the budget in their
19 first year. I just want more input on that and
20 insight into that. I'm also -- like Mr. Ledbetter,
21 I'm not prejudging this but I also do want more
22 insight into the impact on the district at what is a
23 time that is, I think, both precarious for the
24 district but also a time of some real opportunity for
25 the district. And so -- as well as for the Pulaski

1 County District, which would be affected by this.
2 And so for both those reasons I'm going to oppose the
3 motion and would like to review this more fully.

4 CHAIRMAN GULLETT: Okay. So there's a motion
5 and a second on the floor that we accept the
6 committee's decision. And so unless there's any more
7 discussion then we will vote on that motion. So if
8 you would, raise your hand; all in favor of accepting
9 the Charter Panel's decision on this school, please
10 raise your hand.

11 (COURT REPORTER'S NOTE: Ms. Zook and Ms.
12 Saviers each raised a hand.)

13 CHAIRMAN GULLETT: Okay. All in opposition?

14 (COURT REPORTER'S NOTE: All other board members
15 each raised a hand; the Chair did not vote.)

16 CHAIRMAN GULLETT: All right. That motion
17 fails. So I would entertain another motion. I
18 think, Dr. Barth, you made it but it wasn't the right
19 time yet.

20 DR. BARTH: I move to review the Charter Panel
21 -- Authorizing Panel's decision at a future meeting
22 of the Board.

23 CHAIRMAN GULLETT: Okay. Is there a second?

24 MS. REITH: Second.

25 CHAIRMAN GULLETT: Second by Ms. Reith. Any

1 other discussion or comment? Okay. All in favor,
2 the same way, if you would please raise your hand on
3 that.

4 (COURT REPORTER'S NOTE: All board members,
5 except Ms. Zook and Ms. Saviers, each raised a hand;
6 the Chair did not vote.)

7 CHAIRMAN GULLETT: Okay. I believe that the
8 decision to review will stand. And then we will
9 discuss when that will be, either before or at our
10 next board meeting. All right. I'm going to -- yes,
11 Mr. Lasiter.

12 MR. LASITER: I believe there were six votes. I
13 just want to confirm that.

14 CHAIRMAN GULLETT: Yeah. Let's see. One, two,
15 three, four -- let's see -- five. One, two, three,
16 four, five. I didn't vote. Five to review.

17 MR. LASITER: Okay.

18 CHAIRMAN GULLETT: And there were only two
19 denying.

20 MR. LASITER: Okay. And to the extent that you
21 haven't already done so -- I know that some of you
22 did it in your comments -- if you could just let us
23 know as a Department for the school districts -- or
24 so that we can provide information to the affected
25 districts and the charter applicants. If there's

1 specific additional information that you need -- I
2 think the law and the rules talk about that -- we'll
3 make sure that when it comes time for the hearing
4 that those items are addressed. So, Madam Chair,
5 with your indulgence, if the members of the Board
6 could just tell us if there's additional things that
7 they need when they come to that.

8 CHAIRMAN GULLETT: Okay. Great. Thank you.
9 I'm going to recommend that we break for lunch. It's
10 12:15 and we will reconvene in approximately 30
11 minutes.

12 (LUNCH BREAK: 12:15 P.M.-1:05 P.M.)

13 **A-20: APPLICANT REQUEST FOR REVIEW: OZARK COLLEGE AND CAREER**
14 **ACADEMY, SPRINGDALE, ARKANSAS**

15 CHAIRMAN GULLETT: Okay. We will reconvene our
16 agenda, Action Item A-20. And, once again, I'll call
17 on Ms. Perry to come. The applicant has requested a
18 review and that is Ozark College and Career Academy,
19 in Springdale, Arkansas.

20 MS. PERRY: Yes, ma'am. In this one there was a
21 vote of five-to-one by the Panel to deny the
22 application for Ozark College and Career Academy.
23 And as you stated, it was the applicant who requested
24 that the State Board review the decision of the
25 Panel.

1 CHAIRMAN GULLETT: Okay. Thank you, Ms. Perry.
2 I don't know who is going to speak but we will now
3 entertain three minutes on a side as to why the Board
4 should vote to review this application.

5 MS. PERRY: I'm not sure that there is anyone
6 here to speak to you today on this.

7 CHAIRMAN GULLETT: Oh, okay. So since there's
8 not anyone to speak then I suppose it would just be
9 up to the Board to decide --

10 MS. PERRY: Oh. There is someone here to speak
11 against the Board hearing a review, reviewing the
12 Panel decision.

13 CHAIRMAN GULLETT: Okay.

14 MS. PERRY: There's not someone here to speak in
15 favor of.

16 CHAIRMAN GULLETT: Correct. Okay. Then based
17 on our rules I will recognize the person who is here
18 to speak --

19 MR. LEDBETTER: In opposition.

20 CHAIRMAN GULLETT: -- in opposition -- thank you
21 -- to the Board reviewing this application. And
22 you're recognized.

23 ASST. SUPT. HENDRIX: Thank you. My name is
24 Clay Hendrix and I'm Assistant Superintendent of
25 Springdale School District. And I just wanted to

1 come before you and tell you that we went through the
2 process with the Charter Authorizing Panel and I
3 thought that they did a good job, as you've heard
4 earlier today, and asked a lot of questions. And
5 we're just asking you to support their decision and
6 -- did you hear any of that?

7 (COURT REPORTER'S NOTE: The microphone had
8 stopped working for a few brief moments.)

9 MS. MAHONY: Try it again.

10 ASST. SUPT. HENDRIX: My name is Clay Hendrix;
11 I'm Assistant Superintendent of Springdale School
12 District. And I spoke against this charter at the
13 Charter Authorizing Panel, when it met. And their
14 decision was to not approve the charter and I'd just
15 ask that you support that decision. I felt they did
16 a good job and asked good questions of both sides at
17 that time, on that day.

18 CHAIRMAN GULLETT: Okay. Thank you so much.

19 ASST. SUPT. HENDRIX: Thank you.

20 CHAIRMAN GULLETT: Okay. Board, you've heard
21 testimony as to why we should not review the
22 decision. What is your pleasure?

23 MR. LEDBETTER: I move that we not review the
24 decision on the --

25 CHAIRMAN GULLETT: Ozark College and Career.

1 MR. LEDBETTER: Right. I just lost my video but
2 thank you.

3 CHAIRMAN GULLETT: Okay. There's a motion to
4 let the decision of the Charter Panel stand and not
5 review it. Is there a second?

6 MS. REITH: Second.

7 CHAIRMAN GULLETT: Second by Ms. Reith. Any
8 other discussion or questions? All in favor please
9 indicate by saying aye.

10 (UNANIMOUS CHORUS OF AYES)

11 CHAIRMAN GULLETT: Any opposition? Okay.
12 Hearing none, then the decision of the Charter Panel
13 will stand.

14 **A-21: APPLICANT REQUEST FOR REVIEW: REDFIELD TRI-COUNTY**
15 **CHARTER SCHOOL, REDFIELD, ARKANSAS**

16 CHAIRMAN GULLETT: Ms. Perry, I think -- is this
17 the last time we have to drag you up here?

18 MS. PERRY: Yes, ma'am. Today, it appears that
19 way.

20 CHAIRMAN GULLETT: Bless your heart. Okay. A-
21 21.

22 MS. PERRY: Yes. This is a request by the
23 applicant for a review. This was Redfield Tri-County
24 Charter School applicant to operate a school in
25 Redfield, Texas. By a unanimous vote of the Panel --

1 COMMISSIONER KIMBRELL: Texas?

2 MS. PERRY: I do really know which state I'm in
3 most of the time. Redfield, Arkansas. By a
4 unanimous vote the Panel denied the application for
5 Redfield Tri-County Charter School. I didn't even
6 hear it; that's the sad part. There are
7 representatives here of that applicant to speak to
8 you today.

9 CHAIRMAN GULLETT: Okay. Thank you so much. At
10 this time I would recognize you, if you'll identify
11 yourself for the record. And you have three minutes
12 to talk about why the Board should review this
13 charter application.

14 MS. KIGHT: My name is Amanda Kight. And during
15 the Redfield Tri-County Charter School hearing three
16 members of the Panel made comments about the
17 financial stability of RTCCS while referring to the
18 Quest budget. We have watched the video posted on
19 the ADE website and have confirmed that the comments
20 made were from the Quest budget. RTCCS maintains the
21 submitted RTCCS budget when combined with the
22 donation from Mr. Ken Shollmier is included in our --
23 it was stated in our hearing that our budget is a
24 financially stable budget. The RTCCS net revenue
25 versus expenditure ratio was 9%. The two

1 applications that were authorized by the Panel
2 submitted budgets with net revenue versus expenditure
3 ratios of 4%. The wording of the curriculum
4 questions and the rejection of our July application
5 to become a member of the Arkansas Public School
6 Resource Center led RTCCS to believe that curriculum
7 did not have to be fully developed at the time of the
8 hearing. Once we reviewed authorization, RTCCS
9 planned on joining APSRC and taking advantage of
10 membership and utilizing APSRC curriculum
11 specialists' expertise. RTCCS maintains there were
12 no outstanding issues identified in the curriculum
13 questions. In the wording used -- in the criteria --
14 as the curriculum questions said "will be used to
15 develop and align" led us to have a general
16 description of our curriculum. RTCCS asserts we
17 should have been tabled at the time to allow us to
18 have a more detailed description of our curriculum.
19 We are a grassroots effort to get a charter and we
20 are at a slight disadvantage with these companies
21 that already have a charter in place because they are
22 businesses that do this. RTCCS believes we have all
23 the ingredients to provide the families in the Tri-
24 County area with a quality charter school. We have
25 strong community support, philanthropic support from

1 Mr. Ken Shollmier, and access to the resources at the
2 University of Arkansas at Fayetteville for assistance
3 with our curriculum. Our application is a strong,
4 well-prepared application and had only one issue
5 listed in our summary after the internal review.
6 During our proceedings we had no opposition for our
7 charter application. The accidental use of another
8 applicant's budget during our hearing, as well as not
9 including the LOI that was presented in our briefing
10 for a donation of \$85,000 to be included in our
11 budget, which we were told in the July workshop that
12 that was acceptable to do, and the misleading wording
13 of the curriculum questions should not be allowed to
14 deny the families of the Tri-County area the
15 opportunity of attending a charter school in Redfield
16 in 2014. Hundreds of hours of work have been put
17 into this application and into this effort. Each
18 year the Tri-County area is without a charter school
19 represents 8% of a child's educational journey to
20 complete high school. Please review the Panel's
21 decision. We want to be evaluated on our budget, not
22 someone else's, and present a more fully developed
23 curriculum with assistance from the University of
24 Arkansas.

25 CHAIRMAN GULLETT: So let me summarize. Mr.

1 Scott Smith is the reason that you think that your --
2 no, I'm just kidding you. I have to give him a hard
3 time. So you feel like that the information you all
4 were given that made your charter eligible to be
5 submitted was not the way it was judged once it got
6 to the committee?

7 MS. KIGHT: We do believe the committee
8 accidentally was judging us on Quest's budget. And
9 we have watched the video and I can tell you the
10 times at which -- when they asked questions on that
11 budget I tried to tell them, "I'm confused; I don't
12 know what you're looking at; I don't know where
13 you're seeing those numbers." That happened twice
14 during our interview in our hearing. It was at the
15 very beginning. And three of the panel members asked
16 questions that were about a \$90,000 job and a .25
17 FTE. Two of the panel members actually looked at our
18 budget but did not take into consideration Mr.
19 Shollmier's \$85,000 donation he had done a Letter of
20 Intent for. So they kept saying that our budget was
21 too tight 'cause, like a couple of the other budgets,
22 we only had around \$22,000, \$20,000 left. But with
23 Mr. Shollmier's \$85,000 that put our bottom-line up
24 to over \$100,000 left when all was said and done.

25 CHAIRMAN GULLETT: Okay. Thank you. So since

1 this is an applicant's review I don't suppose there's
2 anyone here to speak on why we should not review
3 this. So it will be up to the Board, I think, to
4 decide whether or not we want to honor the
5 applicant's request to review this charter.

6 MS. ZOOK: Question. I know this was heard on
7 the 14th and then again on December 5th. The 14th
8 vote was unanimous. But what was the vote on the
9 5th?

10 MS. KIGHT: Three-to-two.

11 MS. ZOOK: Thank you.

12 CHAIRMAN GULLETT: Okay. So what is the
13 pleasure of the Board, to review or not review this
14 charter?

15 MS. SAVIERS: So there was a discrepancy with
16 the budget in the first go-around. Right? But then
17 --

18 COMMISSIONER KIMBRELL: I'm not aware of that.
19 This is the first I've heard of it. Now the second
20 Panel, I was actually on a conference call with the
21 PARCC governing board because they couldn't make the
22 trip because of the weather. And so I was unable to
23 attend that panel meeting, so -- and I haven't
24 reviewed it.

25 MS. SAVIERS: Okay.

1 COMMISSIONER KIMBRELL: Dr. Witonski, I think,
2 was chairing 'cause she's the vice chair.

3 MS. KIGHT: Yes, she was chairing that day
4 'cause you weren't available. And we did have that
5 information in the letter we sent for the appeal to
6 come before you guys today. We had more detailed
7 information in that letter.

8 CHAIRMAN GULLETT: Dr. Witonski, do you concur
9 with -- you're recognized. Do you concur with all
10 the information that the applicant is giving us about
11 the Panel denial?

12 DR. WITONSKI: Yes, ma'am. And I will tell you
13 from the Panel's view, when we were actually talking
14 and the vote was three-two, the three that voted
15 against, there was a concern beyond the
16 sustainability. There was a question specifically
17 about the donation that was received, if it would be
18 an ongoing donation that would be received. The
19 other question was centered around their curriculum.
20 We had no examples as panel members to review their
21 curriculum. And at the time -- and I'm not sure
22 where they are at this point, but at the time of the
23 hearing and at the time of the review of the hearing
24 for consideration there was no curriculum for us to
25 review. And we know that we are charged with making

1 sure that we are putting something into place that is
2 innovative, that is different, and we didn't have any
3 curriculum at the time. So budgetary concerns aside
4 -- because we look at that with any potential charter
5 school, that that could be a concern as far as
6 funding being available. But beyond that our greater
7 concern was facilities, where students would be
8 housed, and also curriculum.

9 CHAIRMAN GULLETT: Ms. Zook.

10 MS. ZOOK: It seems that those were in fact
11 addressed as the confusion with being able to work
12 with the Resource Center and needing the curriculum.
13 And so those things that Dr. Witonski mentioned were
14 addressed on the -- at the hearing on the 5th.

15 CHAIRMAN GULLETT: Well, she's talking about the
16 hearing on the 5th because she chaired the meeting
17 and Dr. Kimbrell was not there, so that's what she
18 was just discussing.

19 MS. ZOOK: Well, that's what I was saying, that

20 --

21 CHAIRMAN GULLETT: So you're saying those were
22 still issues?

23 MS. ZOOK: Yes.

24 DR. WITONSKI: Yes, ma'am. That's what we
25 reviewed

1 CHAIRMAN GULLETT: Is that what you're saying?

2 DR. WITONSKI: -- on December 5th.

3 CHAIRMAN GULLETT: Okay. All right.

4 DR. WITONSKI: Yes, ma'am.

5 MS. ZOOK: We're agreeing.

6 CHAIRMAN GULLETT: Okay. All right. Good.

7 Thank you.

8 MS. ZOOK: I'm just saying that the lady who
9 presented did in fact address those in her letter by
10 asking us to review, that those were concerns, and
11 her letter to ask us to review had to be turned in
12 before they were heard again on December 5th because
13 of the November 22nd deadline.

14 MS. SAVIERS: Oh.

15 MS. ZOOK: So she hasn't had an opportunity to
16 write another letter after the December 5th hearing,
17 prior to this meeting.

18 CHAIRMAN GULLETT: I gotcha. Yeah. I'm so --
19 Ms. Saviers claims that she watched the streaming,
20 and I believe her, and Ms. Zook was there. You know,
21 that's a big commitment of board members to that. I
22 was not doing that, but I'm really impressed with
23 those who did. Okay. So what is the pleasure?
24 Would you like to review this application or would
25 you -- what is the pleasure of the Board? What's the

1 motion? To review or not?

2 MS. KIGHT: And I have -- well, what she said,
3 the meeting, the way I understood on the 5th, was
4 just to see if we got a second hearing. It wasn't to
5 --

6 DR. WITONSKI: Correct.

7 MS. KIGHT: -- evaluate us. The two issues that
8 were used to deny us on the first hearing were
9 finances and curriculum, both; those were the only
10 two issues that were used to deny us.

11 CHAIRMAN GULLETT: Okay. Thank you. All right.
12 Board, I'll entertain a motion to review or not
13 review. That is the question.

14 MS. ZOOK: I move that we review.

15 MS. NEWTON: Second.

16 CHAIRMAN GULLETT: Ms. Newton made a second.
17 Okay. There's a motion and a second to review this
18 application. Any other discussion or questions? All
19 in favor?

20 (MAJORITY CHORUS OF AYES)

21 CHAIRMAN GULLETT: Three -- would you raise your
22 hand and let me see, to review?

23 (COURT REPORTER'S NOTE: Board Members Vicki
24 Saviers, Diane Zook, Dr. Jay Barth, Alice Mahony and
25 Toyce Newton each raised a hand.)

1 CHAIRMAN GULLETT: One, two, three, four, five.
2 Okay. Opposition?

3 (COURT REPORTER'S NOTE: Sam Ledbetter and
4 Mireya Reith each raised a hand.)

5 CHAIRMAN GULLETT: One, two. Okay. So we will
6 review this decision. Thank you.

7 MS. KIGHT: Thank you.

8 **A-22: HEARING ON WAIVER REQUEST FOR TEACHING LICENSE - STEVEN**
9 **TRULOCK**

10 CHAIRMAN GULLETT: Okay. We are now down to
11 Item A-22. Members, A-23 has been pulled. I failed
12 to mention that at the first. A-22 is a Hearing on
13 Waiver Request for Teaching License, Mr. Steven
14 Trulock.

15 MS. REINHART: Thank you, Madam Chair. Cheryl
16 Reinhart for the Professional Licensure Standards
17 Board in the ADE. And Mr. Trulock is here today;
18 he's representing himself. Mr. Trulock applied for a
19 renewal of his teaching license, which he has held
20 since 2003. And we found that he had a disqualifying
21 offense and notified him of his right to request a
22 hearing, which he has done today. And Mr. Trulock
23 has taught since 2003; he teaches 10th and 11th grade
24 English, AP Literature, Comp, Journalism. He's in
25 the Huntsville School District. In 2005, he was

C E R T I F I C A T E

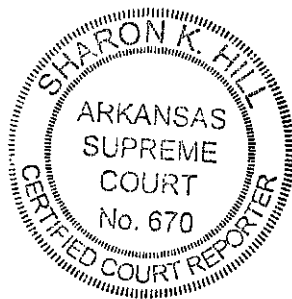
STATE OF ARKANSAS)
) ss.
 COUNTY OF SALINE)

I, SHARON K. HILL, CCR, a Certified Stenomask Reporter before whom the foregoing testimony was taken, do hereby certify that the same is a true and correct transcription of proceedings before the Arkansas State Board of Education, in Little Rock, Arkansas, on December 16, 2013, that the said testimony was reduced to typewritten form by me or under my direction and supervision; and that the foregoing pages constitute a true and correct transcription of all evidence heard and proceedings had in said matter.

I FURTHER CERTIFY that I am neither counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken.

I FURTHER CERTIFY that I have no contract with any parties within this action that affects or has a substantial tendency to affect impartiality, that requires me to relinquish control of an original transcript or copies of the transcript before it is certified and delivered to the custodial agency, or that requires me to provide any service not made available to all parties to the action.

WITNESS, MY HAND AND SEAL, THIS DATE: December 21, 2013.



Sharon K. Hill
 SHARON K. HILL, CCR
 Certified Court Reporter
 Certificate No. 670

